

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ROBERT S. CROWLEY, JR.,

Plaintiff,

v.

NANCY DAHLSTROM, *et al.*,

Defendants.

Case No. 3:22-cv-00241-SLG

ORDER RE REPORT AND RECOMMENDATION

Before the Court is Plaintiff Robert S. Crowley Jr.'s *Prisoner's Complaint under the Civil Rights Act, 42 U.S.C. § 1983* ("Complaint"),¹ *Prisoner's Application to Waive Prepayment of the Filing Fee*² and *Motion for Summary Judgment*.³ These matters were referred to the Honorable Magistrate Judge Matthew M. Scoble. Judge Scoble issued his *Report and Recommendation Regarding 28 U.S.C. § 1915 Screening*, in which he recommended that this matter be dismissed pursuant to 28 U.S.C. §§ 1915(e) and 1915(A), either based on a lack of subject matter jurisdiction or a failure to state a viable claim for relief.⁴ No objections to the Report and Recommendation were filed.

¹ Dkt. 1.

² Dkt. 3.

³ Dkt. 5.

⁴ Dkt. 10.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”⁵ A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”⁶ However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”⁷

The magistrate judge recommended that the Court dismiss this matter either under lack of jurisdiction or a failure to state Rule 8(b) relief. The Court has reviewed the Report and Recommendation, agrees with its analysis, and adopts the Report and Recommendation. Accordingly, IT IS ORDERED that the magistrate judge’s order at Docket 9 granting permission to proceed in forma pauperis is VACATED, the *Motion for Summary Judgment* at Docket 5 is DENIED as MOOT and this matter is DISMISSED without prejudice.

DATED this 6th day of June, 2023, at Anchorage, Alaska.

/s/ Sharon Gleason
UNITED STATES DISTRICT JUDGE

⁵ 28 U.S.C. § 636(b)(1).

⁶ *Id.*

⁷ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).